IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2251 of 2007()

(CRIME NO.140/07 OF PERAMBRA POLICE)
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PETITIONER/2ND ACCUSED:

BINDU P.M,W/O.KANNAN,AGED 30 YEARS,
PATONA MEETHL HOUSE,CHENOLI DESOM,
KOYILANDY TALUK.

BY ADV. SRI.SANTHARAM.P

RESPONDENT/COMPLAINANT:

STATE REP.BY SHO PERAMBRA POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2251 OF 2007 B

Dated this the 13th day of April, 2007

O R D E R

Petitioner, a lady, who is the 2nd accused in Crime No.140/07 of Perambra Police Station for offences punishable under sections 376 and 366A IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 27.3.07, the defacto complainant, who is a 17 year old girl after completing her SSLC examination, was taken by the petitioner in an autorikshaw to her house and was left there to be ravished by the first accused, who was available there in the said house.

4. It is too early to accept the petitioner's contention that she had absolutely no role to play in facilitating the commission of rape by the first accused.

5. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have her application for regular bail considered by the Magistrate having jurisdiction.

Accordingly, the petitioner shall surrender before the investigating officer between 10 a.m. and 11 a.m. on 20.4.2007 for the purpose of interrogation. The petitioner shall, thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall consider her application for regular bail, preferably on the same date on which such application is filed.

This petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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